

PATENT COOPERATION TREATY

PCT

REC'D 10 OCT 2001

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 7749X/MH		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/23323	International filing date (day/month/year) 25/08/2000	Priority date (day/month/year) 27/08/1999	
International Patent Classification (IPC) or national classification and IPC C11D3/00			
Applicant THE PROCTER & GAMBLE COMPANY et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 15/11/2000	Date of completion of this report 05.10.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Renoth, H Telephone No. +49 89 2399 8589 

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-76 as originally filed

Claims, No.:

1-63 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

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(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary: _ _ _ _ _

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 2(part),3(part),10(part),11(part),16-63.

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
 - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☒ no international search report has been established for the said claims Nos. mentioned above.
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the standard.
 - ☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2(part),3(part),10(part),11(part)
	No:	Claims	1,4-9,12-15
Inventive step (IS)	Yes:	Claims	
	No:	Claims	2(part),3(part),10(part),11(part)
Industrial applicability (IA)	Yes:	Claims	1,2(part),3(part),4-9,10(part),11(part),12-15

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No: Claims

2. Citations and explanations
see separate sheet

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ad Item III (Note)

The examination is being carried out for the subject-matter for which an international search report has been established.

In particular, concerning claims 2, 3, 10 and 11 for (a) aryliminium cations, polyions, zwitterions and (b) oxaziridinium cations, polyions, zwitterions as the organic bleach catalyst.

ad Item V

The following documents cited in the international search report are considered to be relevant with respect to the subject-matter of the present application;

- D1: US-A-5 710 116 (BURCKETT-ST LAURENT JAMES CHAR ET AL) 20 January 1998 (1998-01-20)
- D2: US-A-5 817 614 (DYKSTRA ROBERT RICHARD ET AL) 6 October 1998 (1998-10-06) cited in the application
- D3: US-A-5 576 282 (BURCKETT-ST LAURENT JAMES C T ET AL) 19 November 1996 (1996-11-19) cited in the application
- D4: WO 95 13351 A (UNILEVER NV) 18 May 1995 (1995-05-18) cited in the application
- D5: WO 95 13352 A (UNILEVER NV) 18 May 1995 (1995-05-18) cited in the application
- D6: WO 95 13353 A (UNILEVER NV) 18 May 1995 (1995-05-18) cited in the application
- D7: WO 98 23602 A (CLOROX CO) 4 June 1998 (1998-06-04)
- D8: US-A-4 194 987 (BRUBAKER GAYLEN R) 25 March 1980 (1980-03-25)

Novelty, Article 33(2) PCT

D7 discloses bleach compositions comprising a bleach activator, a peroxygen source, which are incorporated in delivery systems. Furthermore, the bleach composition is used for laundering or in laundry products. (cf. claims, examples, in particular Examples 5 and 6, page 13: Delivery systems, page 25: Application)

Independent claims 1 and 5, therefore, lack novelty with respect to D7.

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Independent claim 13 discloses a product comprising an organic catalyst and instructions for using.

Such products are very well known in the art and they, therefore, cannot be considered to be new.

Furthermore, the additional features of dependent claims 4, 6-9, 14 and 15 are also known from D7. These claims, therefore, also appear to lack of novelty.

The combination of the specific organic catalyst (a) and (b) (see Note above) and a delivery system as partially defined in claims 2, 3, 10 and 11 is not explicitly disclosed in any of the documents of the international search report.

These claims, as long as compounds (a) and (b) are concerned, are, thus, considered to meet the requirements of novelty.

Inventive step, Article 33(3) PCT

Documents D1 to D6 fully disclose the organic catalyst compounds (a) and (b) as defined in the claims 2, 3, 10 and 11 of the present application. Therefore, these compounds are well known as organic bleach catalysts.

However, the combination of such compounds with a delivery system in order to control the availability in the wash solution comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance. Consequently, the subject-matter of claims 2, 3, 10 and 11 lack an inventive step.

In addition, D7 and D8 give a clear hint that bleach activators, boosters or catalysts, can be coated, agglomerated or adsorbed to delay dissolution in aqueous solutions. (cf. e.g. D7; page 14, last para., etc; D8: col.9, lines 35-38)